

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL E. TAYLOR,)	Case No.: 1:08 CV 1943
)	
Plaintiff)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant)	<u>ORDER</u>

The Commissioner of Social Security (the “Commissioner”) denied disability benefits to the claimant, Michael E. Taylor (“Taylor”) in the above-captioned case. Taylor sought judicial review of the Commissioner’s decision, and this court referred the case to Magistrate Judge David S. Perelman for preparation of a report and recommendation. Both parties submitted briefs on the merits, pursuant to which Taylor sought an order of remand and the Commissioner sought final judgment upholding the decision below. The Magistrate Judge then submitted his Report and Recommendation on November 18, 2009, recommending that judgment be entered in Defendant’s favor. First, he found that the evidence Plaintiff submitted as new and material evidence warranting remand was not in fact new evidence. Judge Perelman consequently determined that this evidence failed the “good cause” prong of the standard for remand. Second, he found that the subsequent evidence introduced by Plaintiff failed the materiality standard because the “new” records submitted by Plaintiff were not significantly different than the medical evidence the Administrative Law Judge

already reviewed. Third, he found that the Administrative Law Judge did not disregard the evidence originating from physicians because: (1) the Judge did review reports from medical doctors; (2) the people Plaintiff alleges were ignored constitute “other sources” under 20 C.F.R. § 404.1513, not medical doctors; and (3) in any event, the Administrative Law Judge did consider the evidence from these “other sources.” Thus, Magistrate Judge Perelman determined that the Administrative Law Judge’s actions were within his “zone of choice.” (Report and Recommendation, ECF No. 15, at p. 9.)

As of the date of this Order, Plaintiff has not filed objections to the Report and Recommendation. By failing to do so, he has waived the right to appeal the Magistrate Judge’s recommendation. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).

Furthermore, the court finds, after careful *de novo* review of the Magistrate Judge’s Report and Recommendation and all other relevant documents in the record, that the Magistrate Judge’s conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge’s Report and Recommendation. (ECF No. 15.)

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

January 28, 2010